

**UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD
REGION 8**

STARBUCKS CORPORATION

and

**CHICAGO AND MIDWEST REGIONAL
JOINT BOARD, WORKERS UNITED / SEIU**

**Cases 08-CA-290673
08-CA-298645
08-CA-298846**

**ORDER FURTHER CONSOLIDATING CASES, FIRST
AMENDED CONSOLIDATED COMPLAINT AND NOTICE OF HEARING**

Pursuant to Section 102.33 of the Rules and Regulations of the National Labor Relations Board (the Board) and to avoid unnecessary costs or delay, **IT IS ORDERED THAT** Case 08-CA-290673 filed by the Chicago and Midwest Regional Joint Board, Workers United/SEIU (Charging Party or Union) against the Starbucks Corporation (Respondent), in which a Complaint and Notice of Hearing issued on June 15, 2022, is consolidated with Cases 08-CA-298645 and 08-CA-298846 filed by the Union against Respondent.

This Order Further Consolidating Cases, First Amended Consolidated Complaint and Notice of Hearing, which is based on these charges, is issued pursuant to Section 10(b) of the National Labor Relations Act (the Act), 29 U.S.C. § 151 et seq., and Section 102.15 of the Board's Rules and Regulations, and alleges that Respondent has violated the Act as described below.

1. (A) The charge in Case 08-CA-290673 was filed by the Union on February 15, 2022, and a copy was served on Respondent by U.S. mail on February 16, 2022.

(B) The first amended charge in Case 08-CA-290673 was filed by the Union on May 2, 2022, and a copy was served on Respondent by U.S. mail on May 3, 2022.

(C) The second amended charge in Case 08-CA-290673 was filed by the Union on June 7, 2022, and a copy was served on Respondent by U.S. mail on June 7, 2022.

2. (A) The charge in Case 08-CA-298645 was filed by the Union on July 1, 2022, and a copy was served on Respondent by U.S. mail on July 6, 2022.

(B) The first amended charge in Case 08-CA-298645 was filed by the Union on August 19, 2022, and a copy was served on Respondent by U.S. mail on August 19, 2022.

(C) The second amended charge in Case 08-CA-298645 was filed by the Union on August 19, 2022, and a copy was served on Respondent by U.S. mail on August 22, 2022.

(D) The third amended charge in Case 08-CA-298645 was filed by the Union on October 6, 2022, and a copy was served on Respondent by U.S. mail on October 6, 2022.

(E) The fourth amended charge in Case 08-CA-298645 was filed by the Union on November 9, 2022, and a copy was served on Respondent by U.S. mail on November 9, 2022.

(F) The fifth amended charge in Case 08-CA-298645 was filed by the Union on November 17, 2022, and a copy was served on Respondent by U.S. mail on November 18, 2022.

3. (A) The charge in Case 08-CA-298846 was filed by the Union on July 6, 2022, and a copy was served on Respondent by U.S. mail on July 7, 2022.

(B) The first amended charge in Case 08-CA-298846 was filed by the Union on November 17, 2022 and a copy was served on Respondent by U.S. mail on November 18, 2022.

4. (A) At all material times, Respondent has been a corporation with its principal office and place of business in Seattle, Washington, with locations throughout the United States, including at 1374 W. 6th St., Cleveland, Ohio (W. 6th St. Store) and 11302 Euclid Avenue, Cleveland, Ohio (University Circle Store), and has been engaged in the retail operation of stores offering coffee, beverages, and quick-service food.

(B) Annually, Respondent, in conducting its operations described above in paragraph 4(A), derives gross revenue in excess of \$500,000.

(C) Annually, Respondent, in conducting its operations described above in paragraph 4(A), purchases and receives at its W. 6th St. and University Circle stores, individually and combined, goods valued in excess of \$5,000 directly from points outside the State of Ohio.

(D) At all material times, Respondent has been an employer engaged in commerce within the meaning of Section 2(2), (6), and (7) of the Act.

5. At all material times, the Union has been a labor organization within the meaning of Section 2(5) of the Act.

6. At all material times, the following individuals held the positions set forth opposite their respective names and have been supervisors of Respondent within the meaning of Section 2(11) of the Act and agents of Respondent within the meaning of Section 2(13) of the Act:

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

7. (A) Since at least January 10, 2022 and continuously thereafter, Respondent has maintained the following rule at page 36 of its “Partner Guide,” U.S. Store Edition:

Partners are prohibited from distributing or posting in any work areas any printed materials such as notices, posters, or leaflets. Partners are further prohibited from soliciting other partners or non-partners in stores or on company premises during working time or the working time of the partner being solicited. The only exception that may apply is when a partner is engaged in distribution or solicitation related to a Starbucks-sponsored event or activity.

Persons not employed by Starbucks are at all times prohibited from selling, soliciting, distributing, or posting written materials on company premises. If inappropriate solicitation occurs in a store by a non-partner, a partner should politely ask the non-partner to stop or leave the store.

(B) About the week of January 24, 2022, Respondent, by (b) (6), (b) (7)(C), at Respondent's W. 6th St. store, selectively and disparately enforced the rule described above in paragraph 7(A) by prohibiting employees from:

- i. posting their own materials on bulletin boards, including union-related materials; and
- ii. posting pictures on the bulletin board with captions referencing any union or other protected activity.

8. On about January 10, 2022, Respondent, by (b) (6), (b) (7)(C), by telephone, solicited employee complaints and grievances, and implied that those complaints and grievances would be remedied.

9. On about January 21, 2022, Respondent, by (b) (6), (b) (7)(C), during an employee meeting conducted electronically and/or virtually, solicited employee complaints and grievances, and implied that those complaints and grievances would be remedied.

10. Since about January 21, 2022, the exact dates presently unknown, Respondent, in response to the complaints and grievances it solicited from employees as identified above in paragraphs 8 and 9, granted benefits to employees and their working conditions by making improvements to its W. 6th St. store, including upgrading the employee breakroom; repairing the stairwell and the lighting to the basement; and repairing the flooring in the office/workspace area.

11. About the week of January 31, 2022, Respondent, by (b) (6), (b) (7)(C), during mandated individual meetings with employees on working time at Respondent's W. 6th St. store:

(A) impliedly promised its employee(s) increased benefits by offering transfer opportunities to other stores to alleviate commuting times and/or schedule flexibility;

(B) solicited employee complaints and grievances, and implied that those complaints and grievances would be remedied; and

(C) threatened and/or impliedly threatened employees with no or limited access to managers and/or a negative impact on the relationships among management, shift supervisors and baristas.

12. (A) About February 8, 2022, at its W. 6th St. store, Respondent, by (b) (6), (b) (7)(C), assigned employees to attend one of three group meetings during work time in which (b) (6), (b) (7)(C) discussed union organizing.

(B) At the meetings described above in paragraph 12(A), Respondent, by (b) (6), (b) (7)(C), threatened employees that they would not be able to talk directly to (b) (6), (b) (7)(C).

13. (A) About February 20, 2022, at its University Circle store, Respondent, by (b) (6), (b) (7)(C), assigned employees to attend group meetings during work time in which (b) (6), (b) (7)(C) discussed union organizing.

(B) At the meetings described above in paragraph 13(A), Respondent, by (b) (6), (b) (7)(C):

i. threatened and/or impliedly threatened employees with a loss of benefits, including health care benefits;

ii. coercively informed employees that bargaining begins at zero;

iii. threatened and/or impliedly threatened that benefits, including health care, would be jeopardized if employees choose to be represented by a union;

iv. threatened and/or impliedly threatened employees would lose the ability to transfer to work at other Respondent locations;

v. threatened and/or impliedly threatened that if a union chooses to go on strike, that employees would be required to go on strike; and

vi. solicited and/or impliedly solicited employee complaints and grievances, and promised and/or impliedly promised that their complaints and grievances would be remedied, benefits would be increased, and/or terms and conditions of employment would be improved.

14. (A) About the week of February 21, 2022, Respondent, by (b) (6), (b) (7)(C), held individual meetings with employees during working time at Respondent's University Circle store.

(B) At the meetings described above in paragraph 14(A), Respondent, by (b) (6), (b) (7)(C), threatened and/or impliedly threatened employee(s) that organizing a union and/or supporting a union is futile because a union would not be able to better terms and conditions of employment on their behalf.

15. (A) Since about March 16, 2022, the exact dates presently unknown, Respondent, by (b) (6), (b) (7)(C), at its University Circle store:

i. imposed new conditions of employment and a change to employees' job duties; and

ii. threatened employees with discipline for failing to utilize its Play Builder technology.

16. About June 2022, the exact date(s) presently unknown, Respondent, by (b) (6), (b) (7)(C), at its University Circle store, threatened and/or impliedly threatened an employee that their disciplinary file and/or paperwork had to be forwarded to Respondent's legal counsel.

17. Within the 10(b) period, the exact date(s) presently unknown, Respondent, by (b) (6), (b) (7)(C), at its University Circle store, engaged in stricter supervision and/or enforcement of its Dress Code Policy.

18. (A) About the dates set forth below, Respondent disciplined its employee, (b) (6), (b) (7)(C):

- i. (b) (6), (b) (7)(C), 2022;
- ii. (b) (6), (b) (7)(C), 2022;
- iii. (b) (6), (b) (7)(C), 2022;
- iv. (b) (6), (b) (7)(C), 2022;
- v. (b) (6), (b) (7)(C), 2022;
- vi. (b) (6), (b) (7)(C), 2022;
- vii. (b) (6), (b) (7)(C), 2022;
- viii. (b) (6), (b) (7)(C); 2022; and
- ix. (b) (6), (b) (7)(C), 2022.

(B) About (b) (6), (b) (7)(C), 2022, Respondent discharged (b) (6), (b) (7)(C).

(C) Respondent engaged in the conduct described above in paragraphs 18(A) and 18(B) because the named employee of Respondent formed, joined, and assisted the Union and engaged in concerted activities, and to discourage employees from engaging in these activities.

19. By the conduct described above in paragraphs 7 through 17 and their respective subparagraphs, Respondent has been interfering with, restraining, and coercing employees in the exercise of the rights guaranteed in Section 7 of the Act in violation of Section 8(a)(1) of the Act.

20. By the conduct described above in paragraph 18 and its subparagraphs, Respondent has been discriminating in regard to the hire or tenure or terms or conditions of employment of its

employees, thereby discouraging membership in a labor organization in violation of Section 8(a)(1) and (3) of the Act.

21. The unfair labor practices of Respondent described above affect commerce within the meaning of Section 2(6) and (7) of the Act.

WHEREFORE, The General Counsel further seeks an Order providing for all relief as may be just and proper to remedy the unfair labor practices alleged, including but not limited to requiring that Respondent:

(a) make employee (b) (6), (b) (7)(C) whole, including but not limited to, by 1) reimbursement for consequential damages (b) (6) incurred as a result of Respondent's unlawful conduct; and 2) in the event (b) (6), (b) (7)(C) declines reinstatement to (b) (6) former job, make (b) (6), (b) (7)(C) whole including, but not limited to, payment of front pay for a reasonable period following any decision by (b) (6), (b) (7)(C) to decline a valid offer of reinstatement.

(b) send employee (b) (6), (b) (7)(C) a letter of apology apologizing for any hardship or distress caused by (b) (6) discharge, by U.S. Mail and email with a courtesy copy to Region 8, on Respondent's letterhead and signed by a responsible official of Respondent;

(c) physically post and electronically distribute, including by e-mail, any text-based mobile messaging platform, social media websites, internal apps and any other means by which Respondent communicates with its employees, a copy of the signed Notice to Employees in English, and in additional languages if the Regional Director decides that it is appropriate, to all employees employed at Respondent's W. 6th St. and University Circle Stores on or after January 1, 2022;

(d) at a meeting or meetings scheduled to ensure the widest possible attendance, have (b) (6), (b) (7)(C) read the Notice to Employees and an Explanation of Rights to employees employed

by Respondent at its W. 6th St. and University Circle Stores on work time in the presence of a Board agent, and a representative of the Union, or have a Board agent read the Notice to Employees and an Explanation of Rights to employees employed by Respondent at Respondent's W. 6th St. and University Circle Stores on work time in the presence of a representative of the Union and (b) (6), (b) (7)(C).

(e) schedule and conduct a mandatory 45-minute training session to take place during the workday (b) (6), (b) (7)(C) for the W. 6th and University Circle stores, to be conducted at the discretion of the Regional Director, in person or via Zoom or similar platform by an Agent of the National Labor Relations Board.

ANSWER REQUIREMENT

Respondent is notified that, pursuant to Sections 102.20 and 102.21 of the Board's Rules and Regulations, it must file an answer to the consolidated complaint. The answer must be **received by this office on or before December 14, 2022, or postmarked on or before December 13, 2022.** Respondent also must serve a copy of the answer on each of the other parties.

The answer must be filed electronically through the Agency's website. To file electronically, go to www.nlr.gov, click on **E-File Documents**, enter the NLRB Case Number, and follow the detailed instructions. Responsibility for the receipt and usability of the answer rests exclusively upon the sender. Unless notification on the Agency's website informs users that the Agency's E-Filing system is officially determined to be in technical failure because it is unable to receive documents for a continuous period of more than 2 hours after 12:00 noon (Eastern Time) on the due date for filing, a failure to timely file the answer will not be excused on the basis that the transmission could not be accomplished because the Agency's website was off-line or unavailable for some other reason. The Board's Rules and Regulations require that an answer be

signed by counsel or non-attorney representative for represented parties or by the party if not represented. See Section 102.21. If the answer being filed electronically is a pdf document containing the required signature, no paper copies of the answer need to be transmitted to the Regional Office. However, if the electronic version of an answer to a complaint is not a pdf file containing the required signature, then the E-filing rules require that such answer containing the required signature continue to be submitted to the Regional Office by traditional means within three (3) business days after the date of electronic filing. Service of the answer on each of the other parties must still be accomplished by means allowed under the Board's Rules and Regulations. The answer may not be filed by facsimile transmission. If no answer is filed, or if an answer is filed untimely, the Board may find, pursuant to a Motion for Default Judgment, that the allegations in the complaint are true.

NOTICE OF HEARING

PLEASE TAKE NOTICE THAT on the **13th day of March 2023, at 10:00 a.m.**, and on consecutive days thereafter until concluded, at a location and by a means and method to be determined, a hearing will be conducted before an administrative law judge of the National Labor Relations Board. At the hearing, Respondent and any other party to this proceeding have the right to appear and present testimony regarding the allegations in this consolidated complaint. The procedures to be followed at the hearing are described in the attached Form NLRB-4668. The procedure to request a postponement of the hearing is described in the attached Form NLRB-4338.

Dated at Cleveland, Ohio, this 30th day of November 2022.



IVA Y. CHOE
REGIONAL DIRECTOR
NATIONAL LABOR RELATIONS BOARD
REGION 08
1240 E 9TH ST
STE 1695
CLEVELAND, OH 44199-2086

UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD
NOTICE

Cases 08-CA-290673,
08-CA-298645, and 08-CA-298846

The issuance of the notice of formal hearing in this case does not mean that the matter cannot be disposed of by agreement of the parties. On the contrary, it is the policy of this office to encourage voluntary adjustments. The examiner or attorney assigned to the case will be pleased to receive and to act promptly upon your suggestions or comments to this end.

An agreement between the parties, approved by the Regional Director, would serve to cancel the hearing. However, unless otherwise specifically ordered, the hearing will be held at the date, hour, and place indicated. Postponements ***will not be granted*** unless good and sufficient grounds are shown ***and*** the following requirements are met:

(1) The request must be in writing. An original and two copies must be filed with the Regional Director when appropriate under 29 CFR 102.16(a) or with the Division of Judges when appropriate under 29 CFR 102.16(b).

(2) Grounds must be set forth in ***detail***;

(3) Alternative dates for any rescheduled hearing must be given;

(4) The positions of all other parties must be ascertained in advance by the requesting party and set forth in the request; and

(5) Copies must be simultaneously served on all other parties (listed below), and that fact must be noted on the request.

Except under the most extreme conditions, no request for postponement will be granted during the three days immediately preceding the date of hearing.

(b) (6), (b) (7)(C)

Starbucks Corporation
1374 W. 6th St.
Cleveland, OH 44113

Morena L. Carter, Esq.
James Smith, Esq.
Littler Mendelson, P.C.
Key Tower, 127 Public Square, Suite 1600
Cleveland, OH 44114

(b) (6), (b) (7)(C)

Starbucks Corporation
11302 Euclid Avenue
Cleveland, OH 44106

Chicago & Midwest Regional
Joint Board, an Affiliate of
Workers United SEIU
333 South Ashland Avenue
Chicago, IL 60607

David P. Lichtman, Attorney
Dowd, Bloch, Bennett, Cervone, Auerbach &
Yokich, LLP
8 South Michigan Avenue 19th Floor
Chicago, IL 60603

David P. Lichtman, Attorney
Dowd, Bloch, Bennett, Cervone, Auerbach &
Yokich, LLP
8 South Michigan Avenue 19th Floor
Chicago, IL 60603

Procedures in NLRB Unfair Labor Practice Hearings

The attached complaint has scheduled a hearing that will be conducted by an administrative law judge (ALJ) of the National Labor Relations Board who will be an independent, impartial finder of facts and applicable law. **You may be represented at this hearing by an attorney or other representative.** If you are not currently represented by an attorney, and wish to have one represent you at the hearing, you should make such arrangements as soon as possible. A more complete description of the hearing process and the ALJ's role may be found at Sections 102.34, 102.35, and 102.45 of the Board's Rules and Regulations. The Board's Rules and regulations are available at the following link: www.nlrb.gov/sites/default/files/attachments/basic-page/node-1717/rules_and_regs_part_102.pdf.

The NLRB allows you to file certain documents electronically and you are encouraged to do so because it ensures that your government resources are used efficiently. To e-file go to the NLRB's website at www.nlrb.gov, click on "e-file documents," enter the 10-digit case number on the complaint (the first number if there is more than one), and follow the prompts. You will receive a confirmation number and an e-mail notification that the documents were successfully filed.

Although this matter is set for trial, this does not mean that this matter cannot be resolved through a settlement agreement. The NLRB recognizes that adjustments or settlements consistent with the policies of the National Labor Relations Act reduce government expenditures and promote amity in labor relations and encourages the parties to engage in settlement efforts.

I. BEFORE THE HEARING

The rules pertaining to the Board's pre-hearing procedures, including rules concerning filing an answer, requesting a postponement, filing other motions, and obtaining subpoenas to compel the attendance of witnesses and production of documents from other parties, may be found at Sections 102.20 through 102.32 of the Board's Rules and Regulations. In addition, you should be aware of the following:

- **Special Needs:** If you or any of the witnesses you wish to have testify at the hearing have special needs and require auxiliary aids to participate in the hearing, you should notify the Regional Director as soon as possible and request the necessary assistance. Assistance will be provided to persons who have handicaps falling within the provisions of Section 504 of the Rehabilitation Act of 1973, as amended, and 29 C.F.R. 100.603.
- **Pre-hearing Conference:** One or more weeks before the hearing, the ALJ may conduct a telephonic prehearing conference with the parties. During the conference, the ALJ will explore whether the case may be settled, discuss the issues to be litigated and any logistical issues related to the hearing, and attempt to resolve or narrow outstanding issues, such as disputes relating to subpoenaed witnesses and documents. This conference is usually not recorded, but during the hearing the ALJ or the parties sometimes refer to discussions at the pre-hearing conference. You do not have to wait until the prehearing conference to meet with the other parties to discuss settling this case or any other issues.

II. DURING THE HEARING

The rules pertaining to the Board's hearing procedures are found at Sections 102.34 through 102.43 of the Board's Rules and Regulations. Please note in particular the following:

- **Witnesses and Evidence:** At the hearing, you will have the right to call, examine, and cross-examine witnesses and to introduce into the record documents and other evidence.
- **Exhibits:** Each exhibit offered in evidence must be provided in duplicate to the court reporter and a copy of each of each exhibit should be supplied to the ALJ and each party when the exhibit is offered in evidence. If a copy of any exhibit is not available when the original is received, it will be the responsibility of the party offering such exhibit to submit the copy to the ALJ before the close of hearing. If a copy is not

submitted, and the filing has not been waived by the ALJ, any ruling receiving the exhibit may be rescinded and the exhibit rejected.

- **Transcripts:** An official court reporter will make the only official transcript of the proceedings, and all citations in briefs and arguments must refer to the official record. The Board will not certify any transcript other than the official transcript for use in any court litigation. Proposed corrections of the transcript should be submitted, either by way of stipulation or motion, to the ALJ for approval. Everything said at the hearing while the hearing is in session will be recorded by the official reporter unless the ALJ specifically directs off-the-record discussion. If any party wishes to make off-the-record statements, a request to go off the record should be directed to the ALJ.
- **Oral Argument:** You are entitled, on request, to a reasonable period of time at the close of the hearing for oral argument, which shall be included in the transcript of the hearing. Alternatively, the ALJ may ask for oral argument if, at the close of the hearing, if it is believed that such argument would be beneficial to the understanding of the contentions of the parties and the factual issues involved.
- **Date for Filing Post-Hearing Brief:** Before the hearing closes, you may request to file a written brief or proposed findings and conclusions, or both, with the ALJ. The ALJ has the discretion to grant this request and to will set a deadline for filing, up to 35 days.

III. AFTER THE HEARING

The Rules pertaining to filing post-hearing briefs and the procedures after the ALJ issues a decision are found at Sections 102.42 through 102.48 of the Board's Rules and Regulations. Please note in particular the following:

- **Extension of Time for Filing Brief with the ALJ:** If you need an extension of time to file a post-hearing brief, you must follow Section 102.42 of the Board's Rules and Regulations, which requires you to file a request with the appropriate chief or associate chief administrative law judge, depending on where the trial occurred. You must immediately serve a copy of any request for an extension of time on all other parties and furnish proof of that service with your request. You are encouraged to seek the agreement of the other parties and state their positions in your request.
- **ALJ's Decision:** In due course, the ALJ will prepare and file with the Board a decision in this matter. Upon receipt of this decision, the Board will enter an order transferring the case to the Board and specifying when exceptions are due to the ALJ's decision. The Board will serve copies of that order and the ALJ's decision on all parties.
- **Exceptions to the ALJ's Decision:** The procedure to be followed with respect to appealing all or any part of the ALJ's decision (by filing exceptions with the Board), submitting briefs, requests for oral argument before the Board, and related matters is set forth in the Board's Rules and Regulations, particularly in Section 102.46 and following sections. A summary of the more pertinent of these provisions will be provided to the parties with the order transferring the matter to the Board.